

## **REMARKS**

This Amendment and Reply is filed in response to the Office action mailed October 14, 2003. It is being filed within the one month period set for response and no Petition for Extension of Time or fee is therefore required.

In the specification, the Abstract has been amended to correct format and proper language concerns. The title has also been amended to address lack of descriptiveness concerns. In addition, the description of the drawings has been amended to more clearly describe the figures 21-27B.

Claims 20-32 and 37-39 remain in this application. Claims 22 and 33-36 are withdrawn as a result of this election of species requirement. Claims 1-19 have been previously cancelled as a result of earlier preliminary amendments. Claim 21 has been amended.

It is urged that there is a clear basis in the application for the claim amendment. The claim amendment is not made for any reason related to patentability but, rather, as a result of the election of species requirement. Applicant also retains the right to present claims 22 and 33-36 in a divisional or other application.

### **Election of Species Requirement**

A single disclosed species must be elected for prosecution. A listing of distinct species with regard to the figures is included in the office action on page 2. In particular, it is states that species 13 includes figures 21-23, species 14 includes figure 24, species 15 includes figure 25A-25B, species 16 includes 26A-26B, and species 17 includes figures 27A to 27B.

Applicant respectfully disagrees that figures 21-27B illustrate distinct inventions. Rather, applicant submits that a patentable distinct species of the claimed invention is depicted in all of figures 21-27B. These figures show different views, with varying levels of detail, of the same invention.

The figures 21-27B are described on at least pages 37-43 of the specification. In particular, figure 21 represents an external view of one removal device according to the present invention. Figures 22 and 23 depict an exploded internal view of the conduit catheter 194' in Figure 21, illustrating the internal drive shaft 25 as well as other details of the catheter. (See, page 37 starting with the third paragraph). Further details of the central block 252' (adjustable diameter cutter) of figure 21 are illustrated in figures 22-24. (See, page 39, starting with the first paragraph). Figures 25A and 25 B more clearly illustrate the distal cutter 256' of figure 21. (See, page 39, starting with the second paragraph). Figures 26A to 27B illustrate the dual cutter

assembly 50 of figure 21. (*See*, page 40, starting with the first paragraph). Figures 26A and 26B represent the cutter assembly in a contracted condition and figures 27A and 27B illustrate an expanded condition. (*See*, page 40, first paragraph, first sentence). The specification also states that the principles of operation described with regard to other embodiments apply to the device of figures 21-27B. (*See*, page 40, second paragraph, first sentence). The description of the drawings has also been amended to clarify the invention depicted by figures 21-27B.

In view of this explanation of the figures, Applicant hereby elects the species of figures 21-27B. However, in the alternative, if the Examiner maintains that figures 21-27 represent separate species 13 and 17, Applicant chooses species 13 including figures 21-23.

In view of this election of species, Applicant has withdrawn claims 22 and 33-36, without prejudice to their renewal. It is urged, therefore, that this rejection may be properly withdrawn with regards to all currently pending claims.

### **Specification Objection**

#### **I. Title**

A new title is required to indicate the invention to which the claims are directed. In response, Applicant submits an amended title to describe removal systems having an adjustable diameter.

#### **II. Abstract**

A correction of language and format is required for the abstract. In response, Applicant submits an amended Abstract. Applicant has eliminated the use of the term "provided" and Applicant has changed the Abstract to be in narrative form.

### **Conclusion**

Accordingly, in view of the above remarks, it is submitted that this application is now ready for consideration.

If the Examiner has any questions or comments, Applicant respectfully requests that the Examiner contact the undersigned by telephone at (206) 382-1191.

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Respectfully submitted,

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